

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ITHACA CAPITAL INVESTMENTS I, S.A., ITHACA
CAPITAL INVESTMENTS II, S.A., and ORESTES
FINTIKLIS,

Civil Action No. 1:18-cv-390

Plaintiffs,

- against -

TRUMP PANAMA HOTEL MANAGEMENT LLC,
and TRUMP INTERNATIONAL HOTELS
MANAGEMENT, LLC,

Defendants.
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DECLARATION OF JOSHUA D. BERNSTEIN

Joshua D. Bernstein hereby declares as follows:

1. I am a member in good standing of the bar of this Court. I am a partner at the law firm of Akerman LLP, counsel to Plaintiffs Ithaca Capital Investments I S.A., Ithaca Capital Investments II S.A., and Orestes Fintiklis (collectively, “Plaintiffs”) in the above-captioned action.

2. I submit this Declaration in support of Plaintiffs’ Motion for a Preliminary Injunction.

3. Attached as Exhibits A through D, respectively, are true and correct copies of the following documents:

- a. The Answer, Counterclaims, Request for Joinder and Third-Party Claims filed on December 4, 2017, as amended on December 5, 2017, by Defendant/Third-Party Claimants Trump Panama Hotel Management LLC and Trump International Hotels Management, LLC (collectively, “Trump”) in the International Chamber of Commerce arbitration captioned *Hotel TOC, Inc. (Claimant). v. Trump Panama Hotel Management LLC and Trump International Hotels Management, LLC (Respondents/Third-Party Claimants) v. Ithaca Capital Investments I S.A., Ithaca Capital Investments II S.A. and Orestes Fintiklis (Third-Party Respondents)*, ICC Case 23149/MK (the “ICC Arbitration”);

- b. Hotel TOC, Inc.'s Request for Arbitration filed against Trump in the ICC Arbitration, dated October 14, 2017;
- c. Relevant portions of the Amended and Restated Hotel Management Agreement for Trump Ocean Club International Hotel & Tower among Trump Panama Hotel Management LLC, Newland International Properties Corp., Hotel TOC Inc. and Owners Meeting of the P.H. TOC., dated April 11, 2008, as amended; and
- d. The Agreement in Connection with a Bulk Sale, dated February 15, 2017.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
January 16, 2018

AKERMAN LLP

By: /s/ Joshua D. Bernstein
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